90-378

Supreme Court, U.S.
FILED
JUN 25 1990
JOSEPH F. SPANIOL, JR.
CLERK

NO._____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

MARY C. JACKSON

Petitioner

VS.

UNITED STATES OF AMERICA

Respondent

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MARY C. JACKSON, pro per
4328 EAST CAPRI #176
MESA, ARIZONA 85206-1974
(602) 830-0785

QUESTION PRESENTED FOR REVIEW

1. Why the settlement of $10,000.00 was not rendered to the Petitioner when Honorable Judge Earl H. Carrol ordered the judgment for the Petitioner and the Respondent to make a settlement September 16, 1989 DC NO. CV-83-1802-PHX-EHC and why Honorable Judge Paul G. Rosenblatt "Arizona" "Order" this action dismissed with Prejudice on January 3, 1989.

   A. Does the Panel Decision so far deviate from the usual and customary course of judicial proceedings in the application of appellate standards of review of the district courts' scrutiny of statistical evidence offered; United States Court, District of Arizona (Phoenix); Before: Wallace, Wiggins and Trott; Ninth Circuit Judges; Affirmed Judgment, March 1, 1990.

Before: Schroeder, Alarcon, and Boochever, Ninth Circuit Judges.

Reversed Judgment on January 31, 1986

B. Sanctioned such a departure by a lower court as to call for an exercise of this court's Power of Supervision.

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42, U.S.C. 1983 Civil Rights Act

To the United States Constitution First and Fourteenth Amendment

No._____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

MARY C. JACKSON,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Petitioner, MARY C. JACKSON, respectfully prays that a Writ of Certiorari is issued to review the judgment and opinion of the United States Court of Appeals for the Ninth Circuit.

Appellant's petition for rehearing was denied. See Appendix C.

OPINIONS BELOW

The opinion of the Ninth Circuit Court of Appeals is reported as:

Jackson v. U.S.A., filed January 31, 1986

The panel finds this case appropriate for submission without argument pursuant to Title 28, U.S.C.A., 9th Cir. R.3 (F) and Fed. R. App. P.34.(A) and appears in Appendix A to this petition. The unpublished written opinion of the Ninth Circuit Court of San Francisco, California. "Reversed" before Judges Schroeder, Alarcon, and Boochevex.

The opinion of the Ninth Circuit Court of Appeals is reported as Jackson v. U.S.A. filed March 1, 1990 appears in Appendix A to this petition. "Affirmed" before Judges Wallace, Wiggins and Trott, Ninth Circuit Judges, also U.S. Court of Appeals for the Ninth Circuit affirmed, filed June 4, 1990.

JURISDICTION

The Ninth Circuit Court of Appeals Opinion in this matter was filed on March 1, 1990.

A timely petition for Rehearing was filed with the Ninth Circuit Court and the Petition for Rehearing was denied April 20, 1990 by Wallace, Wiggins and Trott, Circuit Judges, and is set forth in Appendix C. The Court's jurisdiction is invoked under Title 28, United States Code Seciton 1291, Section 1346(B), and Section 1504. Court of Claims shall have jurisdiction to Review by Appeal a final judgment. "Negligent Act" constitutes breach of contractually created duty. This section does not preclude relief.

CONSTITUTIONAL AND STATUATORY

PROVISIONS INVOLVED

CODE OF ETHICS

Petitioner's Claims: Cause: 42: 1983 Civil Rights Act and 42 U.S.C., 1985 Conspiracy to interfere with Civil Rights. "Order" by Judge Paul G. Rosenblatt, District of Arizona (Phoenix). Action is dismissed with prejudice.

Defendant took no part in the decision or outcome of the case and failed to appear.

Case No. CIV-88-2032-PHX-PGR.

FIRST AND FOURTEENTH AMENDMENT

IS SET FORTH IN APPENDIX D

STATEMENT OF THE CASE

The United States District Court Arizona (Phoenix) has jurisdiction pursuant to Title 28, U.S.C. Section 1346(B), Section 2671 et seg and also Title 28, Section 1504. Court of Claims shall have jurisdiction to review by appeal final judgment. On March 1, 1990, a panel of the Ninth Circuit Court of Appeals affirmed the judgment of the U.S. District Court for Arizona. (See Appendix B.) The Honorable District Judge Carroll on DC No. CV-83-1802-PHX-EHC has set forth his 13 page order to the Ninth Circuit.

There was violation of safety regulations constituting negligence stated under state law rules are applicable. Tort Claims, the Court of Claims shall have jurisdiction to Review by Appeal final judgments in the

STATEMENT OF CASE (continued)

District Courts in Civil Action based on Tort Claims. The Federal Court of Appeals for the Ninth Circuit has rendered a decision in conflict with the decision of another Federal Court of Appeals on the same matter. (See Appendix A.)

The Petition for Writ of Certiorari to review judgment of the Court of Claims by law of Writ of Certiorari.

Petitioner suffered aggravated illness, shock and fright. She also suffered and encountered unexpected harm from the violent firearm shooting since June 1982.

REASON FOR GRANTING THE WRIT

42 U.S.C. 1983 Civil Rights Act. Civil Action for Deprivation of Rights and direct violation of Plaintiff's Fourteenth Amendment due process Civil Rights Act and Conspiracy to Interfere with Civil Rights Act. The defendant deprived Appellant of liberty without due process of the laws and thereby denied Appellant the equal protection of the law. Defendant violated the Constitution, Federal and State. The Federal Court of Appeals for the Ninth Circuit has rendered a decision in conflict with the decision of another Federal Court of Appeals for the Ninth Circuit. (See Appendix A.)

Cetiorari should be granted for the following reason: This petition presents an issue resolved by implication by the Ninth Circuit Court but not specifically and unequivocally decided by this Court and the opinion below

REASON FOR GRANTING THE WRIT (continued)

conflicts by implication with previous decisions of this Court and the decision of another Ninth Circuit Court.

CONCLUSION

For the foregoing reasons, Petitioner Jackson respectfully requests that a Writ of Certiorari issue to Review the Judgment of the United States Court of Appeals for the Ninth Circuit.

Respectfully submitted,

Mary C. Jackson pro per

MARY C. JACKSON, Pro per
4328 EAST CAPRI AVE., #176
MESA, ARIZONA 85206-1974
(602) 830-0785

Dated: August 24, 1990

Footnote:

If this Court elects not to address the issue presented in this Writ at the present time, it is requested that the Writ issue and the matter be remanded to the Ninth Circuit Court of Appeals for redetermination in light of this Court's opinion in the Constitution and law.

A P P E N D I X 'A'

Appendix A

NOT FOR PUBLICATION

IN THE UNITED STATES OF APPEALS

FOR THE NINTH CIRCUIT

MARY C. JACKSON,	)	
	)	No. 84-2658
Plaintiff-Appellant,	)	
	)	DC # CIV 83-1802-PHX-CLH
v.	)	
	)	
UNITED STATES OF AMERICA,	)	MEMORANDUM*
	)	
Defendant-Appellee.	)	
	)	

Appeal from the United States District Court

for the District of Arizona

Charles L. Hardy, District Judge, Presiding

Submitted November 29, 1985**

Before: SCHROEDER, ALARCON, AND BOOCHEVER,

Circuit Judges.

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*This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 21.

**The panel finds this case appropriate for submission without argument pursuant to 28 U.S.C.A. 9th Cir. R. 3(f) and Fed. R. App. P. 34(a).

Mary Jackson appeals pro se the district court's dismissal of her action under the Federal Tort Claims Act (FTCA). Jackson contends that the district court erred in granting the United States' motion for summary judgment because a genuine issue of material fact exists as to whether the government was negligent and thus liable for damages in failing to prevent the shooting death of her dog.

In reviewing the grant of summary judgment, this court must determine whether there is any genuine issue of material fact and whether the substantive law was correctly applied. Prestin v. Mobile Oil Corp., 741 F.2d 268, 269-70 (9th Cir. 1984). On review, the evidence is viewed in the light most favorable to the non-moving party. Taylor v. Sentry Life Insurance Co., 729 F.2d 652, 654 (9th Cir. 1984). This court will liberally construe the pleadidngs of a pro se litigant.

Appendix A

Franklin v. Murphy, 745 F.2d 1221, 1235 (9th Cir. 1984).

Jackson raises a genuine issue of material fact: whether the government had sufficient notice of gunfire on forest land near her house to make the firing of shots at her dog foreseeable. Jackson contends that she had notified the Forest Service that miners living on the federal land were frightening her by shooting guns. The government maintains that it was unaware that any shooting was going on in the vicinity of Jackson's home, and that Jackson informed them of the shooting only after her dog was shot. There are factual questions as to the foreseeability of harm to this plaintiff which should have precluded summary judgment. See Arizona Public Service Co. v. Brittain, 107 Ariz. 278, 280, 486 P.2d 176, 178 (Ariz. 1971).

Reversed. Filed Jan. 31, 1986

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARY C. JACKSON, Plaintiff-Appellant, v. UNITED STATES OF AMERICA, Defendant-Appellee.	No. 89-15065 DC # CIV-88-2032-PGR MEMORANDUM*

Appeal from the United States District Court

for the District of Arizona

Paul G. Rosenblatt, District Judge Presiding

Submitted January 12, 1990**

San Francisco, California

Before: WALLACE, WIGGINS, and TROTT

Circuit Judges

*This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

**The panel finds this case appropriate for submission without argument pursuant to Fed. R. App. P. 34(a) and 9th Cir. R. 34-4.

Appendix A

Mary Jackson appeals this district court's dismissal of her complaint seeking reversal of the judgment against her in an earlier case and alleging bias of the judges who handled that case. We have jurisdiction under 28 U.S.C. § 1291 (1982). We affirm.

We review the district court's dismissal de novo. See, e.g., Peter Starr Production Co. v. Twin Continental Films, Inc., 783 F.2d 1440, 1442 (9th Cir. 1986).

To the extent that Jackson seeks reversal of the judgment in her prior case, her suit is barred under the doctrine of res judicata. See, e.g., United States v. Moser, 266 U.S. 236, 242 (1924). To the extent that Jackson seeks to sue the judges who handled her previous case in their individual capacities, her suit is barred by absolute judicial immunity. See Dennis v. Sparks, 449 U.S. 24 (1980); Stump v. Sparkman, 435 U.S. 349 (1978).

The decision of the district court is AFFIRMED.

Filed: March 1, 1990

Appendix A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARY C. JACKSON,	)	
	)	No. 89-15065
Plaintiff-Appellant,	)	
	)	CV-88-2032-PGR
vs.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant-Appellee.	)	
	)	

APPEAL from the United States District Court for the Phoenix District of Arizona.

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the Phoenix District of Arizona and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the judgment of the said District Court in this Cause be, and hereby is AFFIRMED.

Filed and entered 03-01-90

Mary C. Jackson
4328 East Capri Ave.#176
Mesa, Arizona 85206-1974
(602) 830-0785

DATED: March 9, 1990

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARY C. JACKSON, Appellant/Plaintiff, vs. UNITED STATES OF AMERICA, Defendant/Appellee.	No. 89-15065 DC # CIV-88-2032-PGR ARIZONA (Phoenix) PETITION FOR REHEARING (FRAP 40)

Plaintiff hereby Petition for Rehearing to the Ninth Circuit Court of Appeal from the notice of entry of judgment.

Judgment was entered in this case as of the filed date March 1, 1990.

WITH THE ATTACHED DECISION OF THE DISTRICT COURT IS AFFIRMED.

Before: WALLACE, WIGGINS, AND TROTT

Circuit Judges

Appendix A

Petition for rehearing (FRAP 40) IS TO DIRECT THE COURT'S ATTENTION OF THE FOLLOWING SITUATIONS DECISION:

1. A MATERIAL POINT OF FACT OR LAW OVERLOOKED IN THE DECISION.

The Constitution of the United States of America was overlooked in the decision. But should be judged of all the rights of citizens of the United States accordance with A RULE TO THE PRINCIPLES OF THE CONSTITUTION.

CAUSE: 42; 1983 Civil Rights Act Nature of Suit: 440 Jurisdiction: CONSPIRACY to interfere with Civil Rights.

CIVIL ACTION FOR DEPRIVATION OF RIGHTS

Citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights privileges or constitution and laws, shall be liable to the party injured in an action at law. Suit in

equity or other proper proceeding for to make amends.

2. A change in the law which occurred after the case was submitted and which appears to have been overlooked by the panel.

42 U.S.E. 1985(3) CONSPIRACY

This 42 U.S.C. 1985(3) Conspiracy law interfere with Civil Rights there are two (2) or more person in any states or territory conspire for the purpose of depriving either directly or indirectly, of the equal protection of the laws, for the purpose of preventing or hindering the constitued authorities of any states or territory from giving or securing to all person within such states or territory the equal protection of the laws. The party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation against any one or more of the conspirators.

3. An apparent conflict with another decision of the court which was not addressed in the opinion.

January 31, 1986 - Document was filed. JUDGMENT REVERSED BY THE U.S. COURT CIRCUIT JUDGES.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
CHARLES L. HARDY, DISTRICT JUDGE, PRESIDING
SUBMITTED NOVEMBER 29, 1985

Before: SCHROEDER, ALARCON, and BOOCHEVER
Circuit Judges

THE UNITED STATES DISTRICT COURT
ARIZONA (PHOENIX) DEFENDANT

Moved for summary judgment and after a hearing on the motion it was granted. Jackson appealed the entry of the summary judgment and prevailed. The matter was reversed upon a finding by the Circuit Court

that there EXISTED A GENUINE ISSUE OF THE MATERIAL.

Filed: January 31, 1986 in the United States Court of Appeals for the Ninth Circuit.

REVERSED

Appendix A

Mary C. Jackson
4328n East Capri #176
Mesa, Arizona 85206-1974
(602) 830-0785

Dated: June 6, 1990

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARY C. JACKSON, Plaintiff/Appellant, vs. UNITED STATES OF AMERICA, Defendant/Appellee.	No. 89-15065 DC #CIV 88-2032-PGR MOTION AND ORDER

TO THE COURT OF JUSTICE FOR THE NINTH CIRCUIT THE ADMINISTRATION OF LAW:

Plaintiff (Jackson) seeks justice and this should be of all the rights of citizens of the United States accordance with a rule to the Principles of the United States and the Constitution of/and the Law.

A Motion to Dismiss an action should never be granted: See Rule 41(B) Marston v.

Denton, (1943) 60 Ariz. 178, 134 P.2d 158.

Plaintiff seeks not to sue the judges who handled the appellant previous case but to seek justice of the U.S. Constitution and the Law.

A P P E N D I X 'B'

Appendix B

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

MARY JACKSON, Plaintiff, v. UNITED STATES GOVERNMENT OF AMERICA, Defendant.	Case No. CIV 88-2032-PHX-PGR JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Court has dismissed Plaintiff's complaint; therefore, Plaintiff take nothing and the action is dismissed with prejudice.

Filed and Dated January 3, 1989 by Richard H. Weare, Clerk; and signed by Deputy Clerk, Shirley Dorfman.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

MARY C. JACKSON, Plaintiff, vs. UNITED STATES GOVERNMENT OF AMERICA, Defendant.	No. CIV 88-2032-PHXOPGR ORDER

The Plaintiff has filed a pro se complaint against the "United States Government of America" seeking monetary damages and reversal of Jackson v. United States of America, (9th Cir. No. 86-2837 & Dist. Ct. No. CIV 83-1802 PHX EHC). The Court construes the marginally comprehensible complaint to allege that District Court Judge Carroll, who entered the judgment against her, and Ninth Circuit Court of Appeals Judge Wright, Farris and Thompson, who affirmed Judge Carroll's decision on appeal, violated the Plaintiff's civil rights due to their biased and

unethical handling of her suit and appeal.

It is well established that "a federal court is duty-bound to determine it proper jurisdiction on its own motion", In re Martinez, 721 F.2d 262, 264 (9th Cir. 1983), and that a district court "may act on its own initiative to note the inadequacy of a complaint and dismiss it for failure to state a claim ...", Wong v. Bell, 642 F.2d 359, 361 (9th Cir. 1981); accord, Sparling v. Hoffman Construction Co., No. 87-3931;87-4436, slip op. at 15398 (9th Cir. Dec. 21, 1988), and may do so without giving the plaintiff notice of its intention to dismiss and without allowing the plaintiff some opportunity to respond if the plaintiff cannot possibly win relief. Sparling, slip op. at 15398. In the extent that the plaintiff seeks to sue Judges Carroll, Wright, Farris and Thompson in their individual capacities, the Court finds that her suit is barred by absolute judicial

immunity inasmuch as the acts complained of were performed in the judges' official capacities and were not acts taken in the clear absense of all jurisdiction. Dennis v. Sparks, 449 U.S. 24 (1980); Stump v. Sparkman, 435 U.S. 349 (1978). Therefore,

IT IS ORDERED that this action is dismissed with prejudice.

Filed January 3, 1989 and signed by United States District Judge

Appendix B

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARY C. JACKSON,	)	
	)	
Plaintiff-Appellant,	)	89-15065
	)	
vs.	)	CV-88-2032-PGR
	)	
UNITED STATES OF AMERICA,	)	
	)	JUDGMENT
Defendant-Appellee.	)	
	)	

APPEAL from the United States District Court for the Phoenix District of Arizona.

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the Phoenix District of Arizona and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered that adjudged by this Court, that the judgment of the said District Court in this Cause be, and hereby is AFFIRMED.

Filed and entered March 1, 1990
A true copy attest May 24, 1990

A P P E N D I X 'C'

Appendix C

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARY C. JACKSON,	)	
	)	No. 89-15065
Plaintiff-Appellant,	)	
	)	DC # CV-88-2032-PGR
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	ORDER
Defendant-Appellee.	)	
	)	

Before: WALLACE, WIGGINS, and TROTT,

Circuit Judges

Appellant's petition for rehearing is DENIED.

Filed April 20, 1990

APPENDIX 'D'

Appendix D

CONSTITUTION:

Article 1 (Amendment) CONSTITUTION CIVIL RIGHTS FIRST AMENDMENT violates freedom to go to the government and ask that abuse be corrected.

Article 1 redress of grievances the congress shall make no law abridging the right of the people peaceably to assemble and petition for the ... Amendments ...

Article 14 Section 1 - ·Protection of the Law: No state shall deny to any person within its jurisdiction the equal (protection) FOURTEENTH AMENDMENT.

CANONS OF JUDICAL ETHICS:

Standards of ethical conduct for members of judiciary. Such were initially adopted by the American Bar Association and later by most states.

STATUTES:

Arizona Revised Rules of Court Civil Rights Act 1983 Statutes 42 (Ethics Code Statutes 42).

Filed: December 12, 1988

Nature of Suit: 440 ... Jurisdiction: U.S. Defendant.

Cause: 42, 1983 ... Civil Rights Act

ISSUE PRESENTED

The Nature of Suit: 440 Jurisdiction:
U.S. Defendant

Violation: 440 Civil Rights and Ethics
Code 42

Cause: 42, 1983 Civil Rights Act

Plaintiff's complaint was PRE-JUDGED BY HONORABLE JUDGE P. G. ROSENBLATT before a fair hearing and a full sufficient examination.

A P P E N D I X 'E'

Appendix E

Note: NEW ADDRESS

Mary C. Jackson
4328 East Capri #176
Mesa, Arizona 85206-1974
(602) 830-0785

Date: January 9, 1989

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

MARY C. JACKSON, Plaintiff/Appellant, vs. UNITED STATES OF AMERICA, Defendant/Appellee.	CIV 88-2032-PHX-PGR ARIZONA (Phoenix) NOTICE OF APPEAL NEW CASE JUDICIAL MISCONDUCT

Appellant hereby appeals to the Ninth Circuit Court of Appeals from judgment of the District Court of Appeals, for the Ninth Circuit District of Arizona.

Judgment Date: January 3, 1989. The decission by Honorable Judge P.G. Rosenblatt is ordered and adjudged that the court has dismissed Plaintiff's complaint. Plaintiff

takes nothing and the action is dismissed with prejudice.

December 12, 1988. Plaintiff's complaint was filed by the District Court in the State of Arizona December 14, 1988. Plaintiff's complaint was pre-judged by Honorable Judge P.G. Rosenblatt before a fair hearing and a full sufficient examination.

Appendix E

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARY C. JACKSON

4328 East Capri Ave. #176

Mesa, Arizona 85206 85206-1974

(602) 830-0785

Dated: June 13, 1990

MARY C. JACKSON, Appellant,

vs.

U.S. GOVERNMENT OF AMERICA, Appellee.

No. 89-15065

DC #CV-88-2032-PGR

JUDICIAL MISCONDUCT

Plaintiff Jackson hereby appeals to the Supreme Court of the United States Office of the Clerk: Washington, D.C. 20543.

To the Supreme Court of the U.S. for Writ of Certiorari to review a judgment civil case; Case No. 89-15065 before: Wallace, Wiggins, Trott, Circuit Judges. "Order" Denied Plaintiff's Motion for rehearing.

Dated and Filed April 20, 1990.

Sign: Mary C. Jackson
Pro per

A P P E N D I X 'F'

Appendix F

L A W

§ 1504. Tort Claims

The Court of Claims shall have jurisdiction to review by appeal final judgments in the district courts in civil actions based on tort claims brought under section 1346(b) of this title if the notice of appeal filed in the district court has affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims. June 25, 1948, c. 646,62 Stat. 942.

Notes of Decisions:

Jurisdiction: Most tort claims are outside jurisdiction of Court of Claims, but if alleged "negligent" act constitutes breach of contractually created duty, this section does not preclude relief. Bird & Sons, Inc. v. U.S., 1970, 420 F.2d 1051, 190 Ct.Cl. 426.

Civil Rights Acts:

Federal statutes enacted after Civil War, and more recently in 1957 and 1964, intended to implement and give further force to basic personal rights guaranteed by Constitution. Such Acts prohibit discrimination based on race, color, age, or religion.

Civil Conspiracy:

A combination of two or more persons who, by concerted action, seek to accomplish an unlawful purpose or to accomplish some purpose, not in itself unlawful, by unlawful means. Lake Mortgage Co., Inc. v. Federal Nat. Mortgate Ass'n, 159 Ind. App. 605, 308 N.F. 2d 739, 744.

Civil Conspiracy that gives rise to cause of action is combination of two or more persons for purpose of accomplishing by concerted action either lawful purpose by unlawful means or unlawful purpose by lawful means.

Appendix F

Wooded Shores Property Owners Ass'n, Inc. v. Mathews, 37 Ill. App.3d 334, 345 N.F.2d 186, 192.

Civil Liberties:

Personal, natural rights guaranteed and protected by Constitution: e.g. freedom of speach, press, freedom from discrimination, etc. Body of law dealing with natural liberties, shorn of excesses which invade equal rights of others. Constitutionally, they are restraints on government. Sowers v. Ohio Civil Rights Commission, 20 Ohio Misc. 115, 252 N.F.2d 463, 476. See also Civil Rights Acts.

Ethics:

Of or relating to moral action, conduct, motive or character; as, ethical emotion; also, treating of moral feelings, duties or conduct; containing precepts of morality;

Moral. Professionally right or befitting; conforming to professional standards of conduct. Kraushaar v. La Vin, 181 Misc. 508, 42 N.Y.S.2d 857, 859.

(Legal Ethics: See Canon [Canons of judicial ethics]; Code of Professional Responsibility; Legal ethics.

§ 959. Trustees and receivers suable; Management; State law

(A) Trustees, receivers or managers of any property, including debtors in possession, may be sued, without leave of the court appointing them, with respect to any of their acts or transactions in carrying on business connected with such property. Such actions shall be subject to the general equity power of such court so far as the same be necessary to the ends of justice, but this shall not deprive a litigant of his right to trial by jury.